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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,027	12/14/2001	Toshiaki Iizuka	B422-178	5437

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/017,027	IIZUKA, TOSHIAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan Ouellette	3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, and 5-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Aikens et al. (US 6,216,113).**
3. As per **independent Claims 1, 10, and 11**, Aikens discloses a system (control method, record medium) connecting a server computer and a client computer having software including a plurality of functions (Fig.1), said system comprising: informing means for informing a function selected among the plural functions to said server computer (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit); transmitting means for transmitting usability of the function informed by said informing means to said client computer (Fig.5, Yes/No to Validity); and controlling means for controlling the usability of the function informed by said informing means in said client computer according to a transmission from said transmitting means (Fig.5, Validity Control).
4. As per Claim 2, Aikens discloses wherein the usability of the function informed by said informing means to be transmitted from said transmitting means is based on whether a

price for the function informed by said informing means has been charged or not (Fig.5, Acct. Limit).

5. As per **independent Claims 5, 12, and 13**, Aikens discloses a client computer (control method, record medium) having software including a plurality of functions (Fig.1), said client computer comprising: informing means for informing a function selected among the plural functions (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit); receiving means for receiving a transmission of usability of the function informed by said informing means (Fig.5, Yes/No to Validity); and controlling means for controlling function limitation of the function informed by said informing means according to the transmission received by said receiving means (Fig.5, Validity Control).
6. As per Claim 6, Aikens discloses displaying means for displaying a function the function limitation of which has been removed and a function the function limitation of which has not been removed separately (Status Bar, C3 L35-55).
7. As per **independent Claims 8, 14, and 15**, Aikens discloses a server computer [control method, record medium] (Fig.1) comprising: reception means for receiving information of a function selected by a client computer having software including a plurality of functions (Figs.2-5, Valid Access/Valid Acct#/Exceed Acct. Limit); determining means for determining usability of the informed function (Fig.5, Validity Control); and transmitting means for transmitting the usability of the informed function that has been determined by said determining means (Fig.5, Yes/No to Validity).

8. As per Claim 9, Aikens discloses wherein said determining means determines the usability of the informed function on a basis of whether a price for the function informed by said informing means has been charged or not (Fig.5, Acct. Limit).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. **Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikens.**
11. As per Claim 3 and 7, Aikens discloses charging means for charging for a function made to be usable by said controlling means periodically (C4 L36-42, account set up for predetermined usage)
12. Aikens fails to expressly disclose accessing means for accessing said server computer when there is a function remaining not being used for a predetermined period of time by a user; wherein said charging means stops charging for the function remaining not being used for the predetermined period of time when said accessing means accessed the server computer.
13. However, Aikens does disclose setting up an account based on pre-determined usage (C4 L36-42), and it would have been obvious to one of ordinary skill in the art at the time the

invention was made cancel the account or to stop replenishing funds in the account (equivalent stopping charges) if the balance on the account was unchanging - indicating lack of use.

14. As per Claim 4, Aikens discloses wherein said transmitting means transmits the stopping of the charging by said charging means to said client computer (Account Balance cancelled or unchanged).

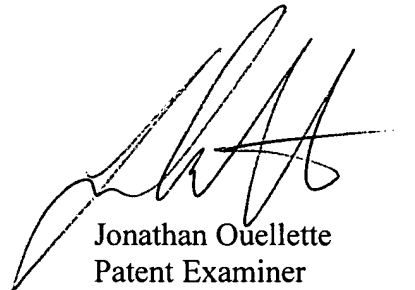
### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

March 15, 2006



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600